

REMARKS

Reconsideration of this application is respectfully requested in light of the remarks below.

STATUS OF CLAIMS

claims 1-15 are pending in this application.

WITHDRAWN REJECTIONS

Applicant notes with appreciation the withdrawal by the Office of the rejection of claims 1-15 under 35 U.S.C. § 103(a) over Sugawara et al. in view of Wing.

OBVIOUSNESS REJECTION

On pages 2-6 of the Office action dated July 21, 2009, the Office has rejected claims 1-15 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publication No. 2002/0019848 (Sugawara et al.) in view of U.S. Patent Application Publication No. 2004/0001225 (Takahashi). Applicants respectfully traverse this rejection for the reasons given below.

The Office action states:

Sugawara '848 (although shows issuing the transmission report) fails to show a controller which issues a transmission management report at predetermined timings, describing a result of transmission for a plurality of transmissions in the transmission management report.

Office action dated July 21, 2009 at page 3. Instead of relying upon Wing (or previously, Wakasugi et al.) in an attempt to cure this deficiency, the Office now turns to Takahashi, stating:

Takahashi '225 teaches a network facsimile apparatus which issues a transmission management report at predetermined timings (i.e., the communication management reports can be sent to be issued at specified timings or predetermined periodic times. See Paragraphs 9-11, 17, 22, 30-32, 60, and 73 also See Figures 5-6 and 10), describing a result of transmission for a plurality of

transmissions in the transmission management report (i.e., the communication management report concerning facsimile communications ((plurality)) performed by the apparatus. See Paragraphs 2, 8-11).

Office action dated July 21, 2009 at page 3.

First, as Applicant has previously explained, Sugawara does not teach the issuance of a report, much less the issuance of a report at predetermined timings. The Office cites Figure 1, elements 1-5-3, as providing support for a controller which issues a transmission report, but neither this figure nor the accompanying description (i.e., paragraph [0044]) describe any "issuance" of a report from the device on which the report was created.

Second, Takahashi is not concerned with generating or issuing a report that relates to the status of a plurality of transmissions, including transmissions for which the result of the transmission is uncertain. Takahashi is instead concerned with the transmission of reports containing communication costs/charges when the charges reach a predetermined amount, in order to allow a supervisor to control communication costs. See Takahashi at paragraph [0030]. Alternatively, Takahashi is concerned with the transmission of reports when the number of communications in the report reaches a predetermined value, in order to allow a supervisor to control the extent of usage. See Takahashi at paragraph [0031]. Alternatively, Takahashi is concerned with the transmission of reports when a specific date is reached. See Takahashi at paragraph [0032]. Finally, Takahashi is concerned with transmitting reports when the number of failed or abnormal transmissions reaches a predetermined number. See Takahashi at paragraph [0033].

Nowhere does Takahashi suggest the issuance of reports at predetermined intervals wherein the reports include transmissions wherein the result of the

transmission is uncertain. For example, in paragraph [0033], Takahashi is concerned with issuing reports after a specified number of failed or otherwise abnormal transmissions has been reached. According to Takahashi, this report contains data on these failed transmissions, rather than all transmissions, including those whose result is uncertain at the time of issuance of the report. Similarly, in paragraph [0032], Takahashi does not disclose or suggest that the report should contain data on the status of transmissions whose results are uncertain at the time of issuance of the report.

For at least the reasons given above, Applicant submits that, even if it were proper to combine the teachings of Takahashi with those of Sugawara et al., the result would not be Applicants' claimed invention because even when combined, the references do not teach or suggest every element of Applicant's claims.

Moreover, Applicant submits herewith certified English translations of the Japanese priority documents to which Applicant claims priority. Applicant submits that the priority date of September 4, 2002 antedates the earliest effective filing date of Takahashi under 35 U.S.C. § 102(e), so that Takahashi is not available as a reference against the claimed invention.

For at least the reasons given above, Applicant submits that the Office has failed to establish a prima facie case of obviousness, and that this rejection should be withdrawn under 35 U.S.C. § 103(a).

CONCLUSION

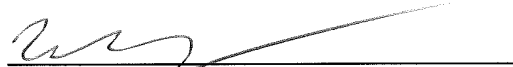
Applicant submits that this application is in condition for immediate allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to arrange for a personal or telephonic interview to resolve these issues prior to the issuance of another Office action.

Respectfully submitted,

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